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3       **IN THE UNITED STATES DISTRICT COURT**  
4       **FOR THE WESTERN DISTRICT OF MISSOURI**  
5                   **SOUTHERN DIVISION**

6       **UNITED STATES OF AMERICA,**                   ) Case No. 05-03315-CV-S-RED  
7    )  
8                   **Plaintiff,**                            ) Springfield, Missouri  
9    ) January 24, 2013  
10          **v.**    )  
11    )  
12          **EZRA FRANKLIN,**                            )  
13    )  
14          **Defendant.**                                    )  
15    )  
16    )

17  
18    **TRANSCRIPT OF HEARING ON MOTION FOR**  
19    **CONDITIONAL RELEASE**  
20    **BEFORE THE HONORABLE DAVID P. RUSH**  
21    **UNITED STATES MAGISTRATE JUDGE**

22    **APPEARANCES:**

23       For the Plaintiff:                           Christina L. Wiggins, Esq.  
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26       For the Defendant:                           David R. Mercer, Esq.  
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34       Proceedings recorded by electronic sound recording, transcript  
35   produced by transcription service.

(Court in Session)

THE COURT: Calling in Ezra Franklin. This is before the Court on the Government's Motion for Conditional Release. Mr. Franklin, would you please raise your right hand?

EZRA FRANKLIN, DEFENDANT, SWORN

THE COURT: All right. Mr. Franklin, have you been made aware of the conditions that are being proposed for your release from the institution?

MR. FRANKLIN: I was told that there will be conditions, but I haven't seen them. I seen maybe a couple of them.

THE COURT: Well, --

MR. FRANKLIN: I know there's probably like maybe 14 or 15, sir.

THE COURT: Have you read those conditions -- have they been reviewed with you?

MR. FRANKLIN: I mean, no, I haven't seen them. But I've heard like maybe two of them. Well, I mean, I'm supposed to get a copy from my social worker right here, Mr. Costello.

THE COURT: Well, it's important for the Court to be aware and to be comfortable that you've reviewed those conditions of release before the Court can consider whether to grant the Government's motion. Mr. Mercer, have you had a chance to go over the conditions of release with Mr. Franklin?

MR. MERCER: Did you speak with an attorney from my office yesterday, with Michelle Moulder?

1 MR. FRANKLIN: No, sir.

2 MR. MERCER: Okay.

3 MR. FRANKLIN: I didn't talk to no attorney yesterday.

4 MR. MERCER: Okay. It's okay. Your Honor, if you want,  
5 I can step out and review them with him really quickly.

6 THE COURT: Yeah. That would be great.

7 MR. MERCER: Okay. I've got them right here.

8 THE COURT: Okay. We'll take a recess.

9 MR. MERCER: So, Mr. Franklin, step out with me for a  
10 second.

11 THE COURT: A short recess.

12 (Court in Recess)

13 THE COURT: We are back on the record for the hearing in  
14 regard to Ezra Franklin on the Government's Motion for  
15 Conditional Release. Mr. Franklin, I'll go back to my original  
16 question. Have you had a chance to go over with Mr. Mercer and  
17 have you been made aware of the conditions that are being  
18 proposed for your release from the institution?

19 MR. FRANKLIN: Yeah.

20 THE COURT: Okay. And have the conditions been reviewed  
21 with you?

22 MR. FRANKLIN: Yeah, they have.

23 THE COURT: All right. And do you understand -- or  
24 well, first off, do you agree to abide by those conditions?

25 MR. FRANKLIN: Yeah.

1 THE COURT: And do you understand that should you fail  
2 to abide by the conditions, that the United States can come back  
3 to the Court and ask that you be taken back into custody?

4 MR. FRANKLIN: And not only further than that, I will  
5 call him personally and tell him that I will come back.

6 THE COURT: Well, understanding all that, do you wish to  
7 the Court to approve your conditional release?

8 MR. FRANKLIN: Yeah.

9                   THE COURT: And do you -- and, Mr. Mercer, do you want  
10 to waive any 14-day periods?

11 MR. MERCER: Yes, Your Honor.

12 THE COURT: And, Ms. Wiggins, does the United States --

13 MS. WIGGINS: Yes, Your Honor.

THE COURT: -- waive the 14-day period?

15 MS. WIGGINS: Yes.

16 THE COURT: Well, Mr. Franklin, I'll try to get this to  
17 the District Court as soon as possible. And with that, good luck  
18 to you, sir.

19 MR. FRANKLIN: All right.

THE COURT: Good luck.

21 MR. FRANKLIN: Well, thank you sir.

22 MR. MERCER: Good luck.

(Court Adjourned)

I certify that the foregoing is a correct transcript  
from the electronic sound recording of the proceedings in the  
above-entitled matter.

/s/ Lissa C. Whittaker  
Signature of Transcriber

January 26, 2013  
Date